

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

EDWIN VARGAS-VARGAS, ET AL.

Plaintiffs

v.

UNITED STATES CUSTOMS AND
BORDER PROTECTION, ET AL.

Defendants.

CIVIL CASE NO. 11-2183-PG

UNITED STATES' MOTION TO DISMISS

TO THE HONORABLE COURT:

COMES NOW Defendant, the United States of America , U.S. Border Patrol, U.S. Customs and Border Protection, Department of Homeland Security, and Gilberto Vélez-Lorenzo, referred to as "Federal Defendants," or "Defendants," **without submitting to the jurisdiction of the Court**, through the undersigned attorneys, respectfully moves this court pursuant to Rules, 12(b)(1), 12(b)(2), and 12(b)(6), Fed. R. Civ. P., to dismiss the pending civil action for lack of subject matter jurisdiction, lack of in personam jurisdiction, and for failure to state a claim upon which relief can be granted.

WHEREFORE, the United States respectfully prays this Honorable Court dismiss the above-captioned complaint with prejudice.

In San Juan, Puerto Rico, this 11th day of July, 2012.

I HEREBY CERTIFY that on this same date, I electronically filed the foregoing motion with the Clerk of the Court using the CM/ECF System, which will send notification to all attorneys of record.

ROSA EMILIA RODRÍGUEZ VÉLEZ
United States Attorney

s/ *Agnes I. Cordero*

AGNES I. CORDERO
Assistant U.S. Attorney
USDC-PR #126101
Torre Chardón, Suite 1201
350 Carlos Chardón Street
San Juan, Puerto Rico 00918
Tel.: 787-766-5656/Fax: 787-766-6219
Agnes.Cordero@usdoj.gov